

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
ROOM W064
INDIANAPOLIS, INDIANA 46204**

MINUTES OF JUNE 24, 2010

Stephen Huddleston, J.D., President called the meeting to order at 9:37 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Stephen Huddleston, J.D., Consumer
Member, President
Robert Allen, M.D.
Lynda Smirz, M.D.
Worthe Holt, Jr., M.D.
(arrived at 10:00 a.m.)
Bharat Barai, M.D., Vice President
Donald Vennekotter, M.D., Secretary
(arrived at 9:15 a.m.)

Staff Present: Kristen Kelley, Board Director
Professional Licensing Agency
Jody Edens, Assistant Board Director
Professional Licensing Agency
James Schmidt, Deputy Attorney General
Office of the Attorney General
Liz Brown, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.,
Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D.

Holt/Allen, 5/0/0
Motion carries

The Board TABLED the May 27, 2010 minutes for amendments.

CONSENSUS
Motion carries

PERSONAL APPEARANCES

INITIAL/RENEWAL APPLICANTS

The following personal appearance was continued:

Jaime Ayon, M.D.

The following appeared before the full Board for their scheduled personal appearances and were sworn in under oath:

Leslie Renfro, M.D. – Dr. Renfro appeared before the Board regarding a positive response on her application for renewal of her residency permit and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

On May 6, 2010, Dr. Renfro plead guilty to Operating While Intoxicated, a class A misdemeanor.

She voluntarily enrolled in the Indiana School of Medicine Counseling and Wellness Center.

After discussion the Board moved to TABLE this matter for additional documentation.

The requested that Dr. Renfro appear next month with the following documents:

- Police record
- All court documents including terms of probation
- Copies of probation reports she was required to submit
- Letter from Suzanne Kunkle, M.D., indicating her recommendations and findings
- Letter of support from her Residency Program

Barai/Vennekotter, 6/0/0
Motion carries

Katherine Herold, M.D. – Dr. Herold appeared before the Board regarding information she included in her residency application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

Dr. Herold submitted information in her application that she was enrolled in the Kentucky Physicians Health Program.

She submitted a letter from the KPHP program and a letter from her psychiatrist, Charles Francke, III, M.D.

The KPHP letter indicated she was in complete compliance with their program and the letter from Dr. Francke was positive.

After discussion, the Board moved to APPROVE Dr. Herold for issuance of her residency permit.

Allen/Barai, 6/0/0
Motion carries

Peter Mehta, M.D. – Dr. Mehta appeared before the Board regarding positive responses on his application for a residency permit and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

Dr. Mehta had three (3) arrests pertaining to alcohol consumption and/or possession of marijuana between 1999 and 2001.

Dr. Mehta indicated that this all happened during his late high school and early college days. He has not had any arrests or problems since 2001.

After discussion, the Board moved to APPROVE Dr. Mehta for issuance of his residency permit.

Allen/Barai, 6/0/0
Motion carried

Jennifer Whirley-Diaz, M.D. – Dr. Whirley-Diaz appeared before the Board regarding a positive response on her re-application and the fact that she hasn't practiced in approximately six (6) years. She was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

Dr. Whirley-Diaz informed the Board that she had contacted both St. Vincent's Hospital and Indiana University School of Medicine regarding a supervised

program for her reentry into medicine. Neither facility was able to accommodate her in this process.

She is Board certified in anesthesiology.

The Board discussed the possibility of issuing a Provisional License to Dr. Whirley-Diaz.

After discussion the Board moved to TABLE this matter until the July 2010 meeting for additional documentation. The requested that Dr. Whirley-Diaz bring the following documentation:

- Letter from Anthem indicating the job offer and a description of job duties
- Plan of action from Dr. Whirley-Diaz on what she plans to do after May of 2011...example: Do the reentry program in Washington State etc.

CONSENSUS Motion carries

Bashar Alzein, M.D. – Dr. Alzein appeared before the Board regarding a waiver of the USMLE three (3) attempts rule and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

844 IAC 4-4.5-12 states:

(2) An applicant may have a maximum of three (3) attempts to pass each step of the USMLE. Therefore, upon the third seating of each step of the examination, the applicant must obtain a passing score.

Dr. Alzein passed the USMLE step I on the 5th attempt; the USMLE step II on the 7th attempt and the USMLE step III on the 4th attempt.

After discussion the Board moved to GRANT the waiver of the three (3) attempts rule based upon the following:

- Appearance of Almuhammad Alfrhan, M.D., Internal Medicine Hospitalist, LaPorte Regional Health System
- Appearance of Robin Rose, Chief Operating Officer, LaPorte Regional Health System
- Three (3) years employment agreement with Starke Memorial Hospital in Knox, Indiana. Dr. Alzein assured the Board he would fulfill his commitment to Starke Memorial Hospital.
- Board certified in family medicine
- Active license in Illinois
- Map showing the area in which Stark Hospital serves as an underserved area
- Letters of recommendation from the following:
 1. Mazen Kawji, M.D., Chairman of Cardiology, Silver Cross Hospital
 2. David Whitehill, M.D., Carle Family Medicine Residency Program
 3. Tim Meneely, D.O., FAAP, Medical Director and Vice President, Primary Care, Pediatric Subspecialties and Regional Health, Carle Physicians Group
 4. Rob Schmitt, CEO, Gibson Area Hospitals and Health Services

5. Muawia Martini, M.D., FACC, Heartland Cardiovascular Center

Smirz/Allen, 6/0/0
Motion carries

ADMINISTRATIVE HEARINGS

The following hearing was continued:

Cynthia D. Ellis, M.D., License No. 01034480A, Cause No. 2007 MLB 0027

Alex Argotte, M.D., License No. 01055183A, Cause No. 2009 MLB 0036

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE PROBATION with terms and conditions.

After reviewing the agreement and taking its file into consideration the Board moved to APPROVE the agreement.

Allen/Barai, 6/0/0
Motion carries

William Gregory Chernoff, M.D., License No. 01040295A, Cause No. 2010 MLB 0004

Respondent appeared before the Board and was represented by counsel, Stacy Cook, regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included a FINE of \$1,000 payable within ninety (90) days.

After reviewing the settlement agreement and taking its file into consideration the Board moved to APPROVE the settlement agreement.

Barai/Smirz, 5/0/0
Motion carries

Attilio Ciochetto, H.A.D., License No. 17001171A, Cause No. 2005 MLB 0054

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw Order of Probation scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

Respondent is compliant with all his terms of probation. He is seeking to obtain his national board certification and must have an unrestricted license to do so.

After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to APPROVE Mr. Ciochetto's request for WITHDRAWAL of the Order of Probation.

Holt/Barai, 6/0/0
Motion carries

Angela K. Jubert, M.D., License No. 01045350A, Cause No. 98 MLB 0035

Respondent did appear in person and was not represented by counsel regarding a Petition for Reinstatement of License scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

Candace Backer, Indiana State Medical Association Impaired Physician's Program was sworn in as a witness for the Respondent.

Dr. Jubert's Indiana license was placed on Suspension on August 27, 1998.

Dr. Jubert submitted a Psychological and Addictionology evaluation and copies of continuing education credits.

Dr. Jubert explained to the Board that she is set to enter a two (2) year Fellowship program in Florida but before Florida will issue her a permit she has to have matters cleared up in Indiana concerning her license suspension.

Her sobriety date is September 3, 2008.

She has a contract with ISMA as well as a contract with the Florida Health Care Connection Program. She will do weekly random monitored drug screens, AA meetings, Caduceus meetings,

Ms. Backer testified that ISMA is in support of her entering into the Florida Fellowship Program.

After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board moved to REINSTATE Dr. Juber's license on INDEFINITE PROBATION with terms and conditions.

Barai/Smirz, 5/0/0
Motion carries

Paul J. Lehmann, H.A.D., License No. 17001011A, Cause No. 2008 MLB 0027

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw Order of Probation scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

Respondent informed the Board that he has not had any problems at work.

Respondent is not in compliance with the terms of his probation as he was to supply a letter from his Probation Officer to the Hearing Aid Dealer Committee at their October 15, 2008 meeting. He failed to do so according to the Hearing Aid Dealers Committee minutes.

He was also to appear before the Committee at their January 7, 2009 meeting. He failed to appear.

Mr. Lehmann informed the Board that he was arrested in 2009 for cocaine possession. This is still pending. He had not informed the Board or the Hearing Aide Dealer Committee of this arrest. He also has a pending criminal charge of possession of a controlled substance in Vanderburgh County.

After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to DENY Mr. Lehmann's request to Withdraw the Order of Probation.

Smirz/Vennekotter, 6/0/0
Motion carries

Mark Edward Logan, M.D., License No. 01030991A, Cause No. 2005 MLB 0001

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

Dr. Logan informed the Board that he has successfully completed the Vermont Health Program for Impaired Physicians.

His Arizona and Vermont licenses have been reinstated on unrestricted status.

His sobriety date is February 19, 1999 and he is in full compliance with his Indiana probation.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE Dr. Logan's request to Withdraw the Order of Probation.

Barai/Holt, 4/0/0
Motion carries

Michael Ames Punnett, M.D., License No. 01062436A, Cause No. 2009 MLB 0032

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included a LETTER OF REPRIMAND and Continuing Medical Education Credits.

After reviewing the settlement agreement and taking its file into consideration the Board moved to APPROVE the settlement agreement.

Vennekotter/Holt, 6/0/0
Motion carries

Krishnaswami Sriram, M.D., License No. 01063213A, Cause No. 2007 MLB 0008

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw Order of Probation scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

Dr. Sriram informed the Board that his Federal Criminal Probation ended in February 2010.

He stated that he has completed the following continuing medical education:

- 21.7 hours in Medical Documentation
- 62.5 hours in General Medicine
- 21 hours in Medical Billing

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE Dr. Sriram's request for Withdrawal of Probation upon the receipt, review and approval of appropriate documentation showing proof of completion of his Federal Criminal Probation.

He indicated that his license in Illinois is still on probation.

Smirz/Barai, 2/4/0, with Mr. Huddleston and Dr's Holt, Allen and Vennekotter objecting
Motion fails

After further discussion the Board moved to APPROVE Dr. Sriram's request for Withdrawal of Probation upon the receipt, review and approval of appropriate documentation showing proof of completion of his Federal Criminal Probation

and proof that his Illinois license has restored to active status. The documents will be reviewed by Mr. Huddleston.

Vennekotter/Allen, 4/2/0, with Dr.s' Smirz and Barai objecting
Motion carries

Roger J. VanOrsdoll, M.D., License No. 01030025A, Cause No. 2010 MLB 0001

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE SUSPENSION with terms and conditions.

After having reviewed the agreement and taking its file into consideration the Board moved to ACCEPT the settlement agreement.

Barai/Holt, 6/0/0
Motion carries

Richard Maxwell Sandefur, M.D., License No. 01030934A, Cause No. 2009 MLB 0014

Respondent did appear in person and was represented by counsel David Miller before a Request to Withdraw Order of Probation scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

Let the record reflect that Dr. Vennekotter recused himself from participating in this hearing.

Dr. Sandefur stated that he completed the Vanderbilt program.

He is also in full compliance with the terms of his probationary order.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE Dr. Sandefur's request to WITHDRAW the ORDER OF PROBATION.

Allen/Barai, 5/0/1, with Dr. Vennekotter abstaining
Motion carries

**Stephanie Colson Sharpe, M.D., License No. 01051569A, Cause No. 2007
MLB 0017 & 2010 MLB 0003**

Respondent did appear in person and was not represented by counsel regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

Candace Backer, Indiana State Medical Association Impaired Physicians Program, was sworn in as a witness.

Ms. Backer testified that Respondent signed a contract with ISMA back in 2003 for chemical dependency.

Ms. Backer also stated that ISMA will not take Dr. Sharpe back into the program until she has one (1) year of documented sobriety. Upon completion of one (1) year of sobriety, ISMA will consider allowing Dr. Sharpe back into the program.

Dr. Sharpe has criminal charges pending – two (2) counts of obtaining a prescription by fraud, in Celina, OH.

Dr. Sharpe has criminal charges pending – one (1) count of obtaining a prescription by fraud, in Hamilton County, IN.

After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter, the Board moved to place the Respondent's license on INDEFINITE SUSPENSION with terms and conditions.

Vennekotter/Smirz, 5/0/1, with Dr. Holt abstaining
Motion carries

Brad Strausburg, M.D., License No. 01029845A, Cause No. 2008 MLB 0037

Respondent did appear in person and was not represented by counsel regarding a Petition for Modification of Probation scheduled before the Board. The State of

Indiana was represented by Elizabeth Kiefner Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

Fred Frick, M.D. was sworn in as a witness.

Dr. Frick informed the Board that Dr. Strausburg was in full compliance with his ISMA contract.

His sobriety date is August 2005.

Dr. Strausburg is requesting to have paragraph 6c deleted from his order of probation.

"6c. Respondent shall cause his employer to submit reports to the Board advising the Board of his professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others on a monthly basis for the first year; then on a quarterly basis thereafter."

After having considered the evidence presented, testimony of the witness and taking official notice of its file this matter the Board moved to APPROVE Dr. Strausburg's request to DELETE paragraph 6c from the terms of his probationary order.

Barai/Vennekotter, 5/1/0, with Dr. Smirz objecting
Motion carries

John Reynolds, M.D., License No. 01023979A, Cause No. 2010 MLB 0012

Respondent did appear in person and was represented by counsel Barclay Wong regarding an AGREED SUMMARY SUSPENSION scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D, Donald Vennekotter, M.D.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was submitted to the Board. The settlement agreement

included INDEFINITE SUMMARY SUSPENSION until the resolution of the criminal charges in Morgan County.

After reviewing the settlement agreement and taking its file into consideration, the Board moved to APPROVE the settlement agreement.

Allen/Barai, 6/0/0
Motion carries

DISCUSSION

Expedited Partner Therapy: - The Indiana State Department of Health is requesting that the law be changed to allow physicians to treat partners of patients that have certain sexually transmitted diseases without examining the partner.

The Board heard public comments from the following regarding this issue:

Joan Duwve, M.D., ISDH
Margaret Blythe, M.D.
Dennis Fortenberry, M.D.
Mary Ott, M.D.
Robert Lubetz, M.D., St. Vincent
Greg Larkin, M.D., Health Commissioner, Indiana State Board of Health
Michael Rinebold, Indiana State Medical Association

After listening to the public comments, the Board moved to TABLE this matter.

CONSENSUS
Motion carries

REVIEW OF INITIAL/RENEWAL APPLICATIONS

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Lynda Smirz, M.D.

The Board reviewed the positive response information on the following applicants and approved them for licensure: Allen/Holt, 6/0/0 Motion carries

Wael Abdo, M.D.
Jack Kunberger, M.D.

Rajnishpaul Kular, M.D.
Gilbert Maulsby, M.D.

Savita Shertukde, M.D.

The Board reviewed the positive response information on the following applicants and requested them to appear before the Board: Smirz/Barai, 6/0/0 Motion carries

John Lopez, M.D.

Alfred Johnson, M.D.

PHYSICIAN ASSISTANT PRESCRIPTIVE AUTHORITY APPLICATIONS

The Board reviewed and approved the following Physician Assistant Prescriptive Authority applications: Allen/Smirz, 6/0/0 Motion carries

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D.

Mark Barton, 10001096A
William Flores, Initial app
Nicholas Hammond, 10000887A
Karin Henderson, 10001093A
Jason Oehler, 10000562A
Matthew Stinson, 10000285A
Bethany Stork, 10001172A
Carolyn Valois, 10001024A
Joel Westberry, 10000109A

There being no further business the Board adjourned at 5:45 p.m.



Stephen Huddleston, J.D., President

Donald Vennekotter, M.D., Secretary